

PATENT
Attorney Docket No. 372155

REMARKS

Claims 1-83 are pending in the application.

Claims 1-83 stand rejected for obviousness-type double patenting over claims 1-5 of United States Patent 6,686,435. Applicant respectfully traverses this rejection for the reasons explained below.

The basic inquiry in context of the present rejection is whether the present claims are an obvious variation of claims 1-5 of the '435 patent. The '435 patent pertains to electric insulators that are formed of a silica-filled polymer. Column 10 at lines 14-16 indicates that the range of fillers may be provided at 1% to 200% by weight of the polyol.

We have elected to avoid the issues raised by this rejection by amending claims 1, 28, 30, 31, 32, 51 and 52 to recite the use of a crosslinker, such as glycerin, in an effective amount of crosslinker for increasing compressive strength, flexural modulus, tensile strength, and hardness of the composition. This is seen, for example, in Figures 2-5 of the present application. The '435 patent does not disclose the use of a crosslinker, nor is the effect of adding a crosslinker obvious in an aggregate composition. As is seen from Figures 13 and 14, the tensile, flexural, and compressive strengths all peak when 5 pph of glycerine are added (Fig. 14). At 15 pph in concrete without pea gravel, these strengths have declined to less than the value at 0 pph; however, strength diminishes less rapidly with increasing glycerin concentration where pea gravel is added (Fig. 13). This could not have been predicted on the basis of the '435 patent and the claims are not directed to an obvious variation of the same invention.

PATENT
Attorney Docket No. 372155

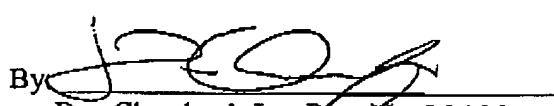
Thus, all of the claims now require the addition of a crosslinker. This could not have been claimed in the '435 patent, which fails to teach or suggest the use of a crosslinker.

The foregoing response meets all of the requirements set forth in the Office Action dated June 27, 2005. A three month extension of time is requested. The Commissioner is authorized to charge any additionally required fees to deposit account 12-0600. Applicants' attorney urges Examiner Niland to telephone if a conversation could expedite prosecution.

Respectfully submitted,

LATHROP & GAGE L.C.

By


Dan Cleveland, Jr. Reg. No. 36,106
Lathrop & Gage L.C.
4845 Pearl East Circle, Suite 300
Boulder, CO 80301
(720) 931-3012